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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS SIXTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora Javate DE DIOS (Philippines)

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports of States parties

Morocco

1. The Committee considered the initial report of Morocco (CEDAW/C/MOR/1) at its 312th, 313th and 320th meetings, on 14 and 20 January 1997.

2. In introducing the report, the representative of Morocco informed the Committee that Morocco's initial report had been submitted to the Secretariat in July 1994 in accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, one year after Morocco had acceded to the Convention. King Hassan II had taken the initiative in 1992 and invited various women's associations to submit amendments to the existing Personal Status Code in order to eliminate the obstacles impeding Moroccan women from the enjoyment and exercise of their rights. A number of articles of the Personal Status Code were amended accordingly and in conformity with various international agreements and instruments, while the Code maintained its respect of the principles of Islamic law, the shariah.

3. The representative pointed out that the initial report described institutional, legal, administrative and other measures taken to promote and protect the human rights of women within an overall political and legal framework. The Government of Morocco linked the status of women to human rights and recognized the inseparable links between the respect for human rights, democracy and social, economic and cultural development. The human rights protection aspects of the elimination of discrimination against women and the advancement of women were transferred from the social affairs ministries to the Ministry of Human Rights, which was working in cooperation with other ministerial departments on these issues.

4. The Constitution, revised in 1992 and 1996, now contains provisions intended to ensure a greater respect for human rights in general and for the human rights of women in particular. The revised Constitution established a bicameral parliament and also allowed for the establishment of fact-finding commissions to address the elimination of discrimination against women. As a result of the reform of Morocco's Family Law, any case of discrimination against women could now result in legal proceedings.

5. The representative then briefed the Committee on legal and administrative measures that had been taken in his country to achieve equality between women and men within the framework of promotion and protection of women's human rights. The legislation relating to employment, as well as the Penal Code, had been modified. Efforts had been made, especially in the field of education and employment. The Government was concerned about the high rate of illiteracy among women, and it considered women in rural areas the most vulnerable group. A literacy campaign had therefore been launched with the goal of reducing the illiteracy rate to 10 per cent by the year 2010, specifically among rural women. However, while all citizens had an equal right to education and employment, pursuant to article 13 of the Constitution, the representative acknowledged that there existed a number of statutory exceptions that excluded women from entering certain professions.

6. In concluding his presentation, the representative of Morocco recognized that there were still a number of barriers preventing women from exercising and enjoying their human rights and participating fully in the socio-economic development of the country, but he assured the Committee of his Government's willingness to pursue the task of eliminating all these obstacles.

Introduction

7. The Committee thanked the State party for its report, which had been submitted on time. It noted, however, that the format of the written report had not adhered to the Committee's guidelines. The State party had nevertheless established a frank and constructive dialogue with the Committee through its oral report and its replies.

Factors and difficulties affecting the implementation of the Convention

8. The Committee felt that, although the instrument of ratification of the Convention by the Kingdom of Morocco was in itself an important event, the fact that it had been accompanied by declarations and reservations concerning the substance of the Convention seriously hindered the latter's implementation.

9. The Committee noted the obvious contradictions between the obligations deriving from the undertaking made by the State party at the time of signing the Convention and the persistence of considerable discrimination against women in Morocco.

Positive aspects

10. The Committee noted with satisfaction the revision of the Constitution, which strengthened the rule of law in Morocco by solemnly proclaiming the country's attachment to human rights as universally recognized.

11. The Committee believed that that undertaking by the State would inevitably benefit women, since women's rights were an integral part of human rights.

12. The Committee noted with satisfaction that the "women's unit" set up within the Ministry of Human Rights was involved in the overall process initiated by Morocco in that regard.

13. The Committee welcomed the efforts made by the State party to revise and amend the Personal Status Code (Moudouana). Those efforts reflected the political determination of the State party, at the highest level, to enhance the legal status of women.

14. The Committee noted with satisfaction the emergence of a women's association movement which had managed to give expression to women's demands and to give their concerns a national dimension.

Principal subjects of concern

15. The Committee was deeply concerned at the number and importance of the reservations made by Morocco, particularly the reservation to article 2, which was one of the Convention's substantive articles. Any reservation to that article was contrary to the object and purpose of the Convention and incompatible with international law.

16. The Committee noted with regret that the State party did not envisage withdrawing any of its reservations.

17. The Committee also noted that, unlike other international treaties, the Convention had not been mentioned, publicized or published in the Official Gazette.

18. The Committee expressed regret that there was no specific women's rights machinery that could coordinate and guide activities and projects for women in order to better inform women of their rights.

19. The Committee expressed the fear that, despite the efforts made in the political sphere, women's representation at the policy-making level was minimal.

20. The Committee emphasized that cultural characteristics could not be allowed to undermine the principle of the universality of human rights, which remained inalienable and non-negotiable, nor to prevent the adoption of appropriate measures in favour of women. As a result, the Committee remained concerned at the profound inequalities affecting the status of women in Morocco. Considerable discrimination in the area of marriage, conjugal relations, divorce and the custody of children and with regard to the punishment of adultery and the ability to pass on nationality continued to benefit the husband to the detriment of the wife.

21. The Committee emphasized that discrimination was not limited to the private sphere but also affected the public sphere. Blatant inequalities could be observed in women's recruitment, wages and leave entitlements.

22. The Committee noted with concern that no legislation was envisaged to protect women against all forms of violence. The Committee was also surprised that the report made no mention of article 6 of the Convention, concerning prostitution.

23. The Committee was concerned at the high rate of female illiteracy, which affected little girls and rural women in particular.

24. The Committee noted with concern that the programme of action for women's health was not sufficiently developed in Morocco, especially in rural areas, and that the maternal mortality rate remained quite high.

Suggestions and recommendations

25. The Committee recommended that the State party consolidate the principle of equality between men and women in all spheres in order to incorporate it into the Constitution and bring it into line with the relevant international norms of the Convention.

26. The Committee expressed the hope that the Government would envisage, through the political will of its leaders, the gradual withdrawal of the many reservations that were seriously undermining the proper implementation of the Convention.

27. The Committee recommended the establishment of specific machinery that would coordinate and guide action in favour of women and would be able to prevent the persistence of attitudes, prejudices and stereotypes that discriminated against women.

28. The Committee further recommended that education in women's rights, covering national and international legislation, be provided in all school and university systems, to women's associations and non-governmental organizations and in rural areas.

29. The Committee recommended that the competent national bodies, the women's sections of the different political parties, and associations and non-governmental organizations should do their utmost to bring about as great a change in men's traditional role in the family and in society as in women's, so as to ensure genuine equality of opportunity between men and women in all spheres. It observed that revising the content and the orientation of school textbooks in order to eliminate stereotypes and negative images of women could help to speed up a change of mentality and remove certain obstacles.

30. The Committee also asked the Government to pay particular attention to vulnerable groups, such as women heads of household, abandoned women and disabled women, and to take the necessary steps to protect them from any form of exclusion or marginalization. Overcoming inequality contributed to poverty reduction and to the country's economic development. The Committee recommended to the Government that appropriate, effective measures be taken to reduce both the illiteracy rate and the maternal mortality rate, which were high in rural areas.

31. The Committee strongly recommended that the Government continue its efforts to modify and amend legislation that was still discriminatory, in order to bring it into line with the provisions of the Convention. While respecting the stages in Morocco's political, economic, sociological and cultural evolution and the need for the population to support any reform concerning women's rights, the Committee encouraged the Government to persevere in using ijtihad and the positive interpretation of sacred texts to give the necessary impetus to the status of women and to gradually change mentalities. Muslim culture, with its values of equality, justice and tolerance, incorporated the principles of human rights, especially women's rights, perfectly and could ensure their development and observance.

32. Lastly, the Committee asked the Government to respond to all its concerns in the next report and to provide statistics on all areas that had a bearing on the advancement on women, so that the progress made could be measured.